

**CITY OF MINNEAPOLIS
FOR THE DEPARTMENT OF
REGULATORY SERVICES**

**In the matter of the Rental
Dwelling License held by
Emma Weatherspoon for
the Premises at 2435 Elliot Avenue S.
Minneapolis, Minnesota**

**FINDINGS OF FACT,
CONCLUSIONS, AND
RECOMMENDATION**

FINDINGS OF FACT

Selma Weatherspoon is listed as the owner of the property located at 2435 Elliot Avenue S. in the City of Minneapolis. Selma Weatherspoon, on April 9, 2013, signed a General Power of Attorney granting temporary authority to Emma Weatherspoon to conduct real property and lease transactions and personal property transactions.

On June 11, 2013, Emma Weatherspoon, acting as Power of Attorney for Selma Weatherspoon applied for a rental license for the property at 2435 Elliot Avenue S. Emma Weatherspoon was listed on the rental license application as the owner of the property with a listed address of 3504 Kirby Road, Memphis, TN.

The rental license application listed Major Lester as the appointed agent/contact person responsible for the maintenance and management of the property. Mr. Lester's address was listed on the rental license application as 2435 Elliot Avenue S., Minneapolis, MN.

This matter was commenced by the SAFE unit of the Minneapolis Police Department and the Department of Inspections to revoke the rental dwelling license for the property at 2435 Elliot Avenue S. under Minneapolis Code of Ordinances (M.C.O.) § 244.2020. Section 244.2020, "Conduct on Licensed Premises", requires a rental licensee to take appropriate

action following conduct on the premises defined as disorderly under Section 244.2020(a). Specifically included within the ambit of disorderly use is “conduct by tenants and/or their guests on the licensed premises which is determined to be disorderly, in violation of [provisions] which prohibit gambling; prostitution; the unlawful sale or possession of controlled substances; the unlawful sale of alcoholic beverages; noisy assemblies; the unlawful possession, transportation, sale, or use of a weapon and disorderly conduct.”

On August 8, 2013, Minneapolis Police officers from the Third Precinct executed a search warrant at 2435 Elliot Avenue S., the search warrant was based upon a prior controlled buy of crack cocaine at 2435 Elliot Avenue S. The officers used a confidential reliable informant (CRI) who was given an amount of pre-recorded money and informed to attempt to make a purchase of cocaine at the property. The CRI proceeded to 2435 Elliot Avenue S. and knocked on the door and entered the property. Once inside the property the CRI exchanged the buy money for suspected crack cocaine. After the transaction was complete the CRI returned to the unmarked squad car and turned over the suspected crack cocaine. Police officers then field tested the suspected crack cocaine which field tested positive for cocaine. Upon executing the search warrant on August 8, 2013, Minneapolis Police Officers discovered quantities of narcotics that field tested positive for cocaine and heroin.

On August 9, 2013, Crime Prevention Analyst Luther Krueger, issued a violation letter to Emma Weatherspoon, indicating that the discovery of controlled substances at 2435 Elliot on August 8, 2013, constituted a violation of M.C.O. § 244.2020 (a). The violation letter was sent to Ms. Witherspoon at her listed address of 3504 Kirby Road, Memphis, TN. The violation letter also stated that pursuant to M.C.O. § 244.2020 (c) the owner/licensee was

required to submit a management plan to CPA Krueger within ten (10) days and to take action to prevent further use of the property in a disorderly manner.

On August 19, 2013, CPA Krueger spoke with Emma Weatherspoon and informed her of the need to submit an acceptable management plan by August 23, 2013. On August 26, 2013, no management plan had been submitted and a Notice of Revocation of Rental License or Provisional License was sent to the owner/licensee, Emma Weatherspoon at her listed address of 3504 Kirby Road, Memphis, TN. The Notice of Revocation was also sent to the agent/contact person, Major Lester at his listed address of 2435 Elliot Ave. S., Minneapolis, MN. Additionally, the property was posted with a placard noting that the property was subject to revocation of its rental license. The owner/licensee and agent/manager were given 15 days to file an appeal of the Notice of Revocation.

Neither the owner/licensee nor the agent/manager filed an appeal of the Notice of Revocation. Additionally, no management plan has been submitted with regards to 2435 Elliot Avenue S, Minneapolis, MN.

CONCLUSIONS

One incident of conduct, determined to constitute a disorderly use and defined as disorderly in M.C.O. § 244.2020(a) by tenants and/or guests, occurred on the premises of 2435 Elliot Avenue S. on August 8, 2013, for which proper notices of disorderly use were issued.

The owners and licensee failed to take timely, appropriate action in response to notices from the Minneapolis Police Department concerning the disorderly incident on the premises of 2435 Elliot Avenue S.

The Minneapolis Police Department and the Inspections Division followed the appropriate procedural steps and provided the necessary notices as required under the Minneapolis Code of Ordinances.

The owners and licensee failed to comply with the requirement of M.C.O. § 244.2020(c) which requires submission of a written management plan within ten (10) days of issuance of a notice of disorderly use involving narcotics. This failure provides a basis for adverse license action, specifically inclusive of revocation, against the rental dwelling license held by the licensee and any interest in the rental license held by the owner, at 2435 Elliot Avenue S.

The rental dwelling license held by Emma Weatherspoon and the interests in the license held by Selma Weatherspoon as owner of the property, for 2435 Elliot Avenue S. is subject to revocation or suspension under M.C.O. §§ 244.2020(c). Revocation of the referenced rental dwelling license is the appropriate adverse license sanction.

RECOMMENDATION

That the rental dwelling license held by Emma Weatherspoon and the interests in the license held by Selma Weatherspoon as owner of the property, for 2435 Elliot Avenue S., in Minneapolis, Minnesota be revoked.